

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

LLOYD K. GARRISON (1946-1991)
RANDOLPH E. PAUL (1946-1956)
SIMON H. RIFKIND (1950-1995)
LOUIS S. WEISS (1927-1950)
JOHN F. WHARTON (1927-1977)UNIT 5201, FORTUNE FINANCIAL CENTER
5 DONGSHANHUA ZHONGLU
CHAOYANG DISTRICT, BEIJING 100020, CHINA
TELEPHONE (86-10) 5828-6300SUITES 3601 - 3606 & 3610
36/F, GLOUCESTER TOWER
THE LANDMARK
15 QUEEN'S ROAD, CENTRAL
HONG KONG
TELEPHONE (852) 2846-0300ALDER CASTLE
10 NOBLE STREET
LONDON EC2V 7JU, UNITED KINGDOM
TELEPHONE (44 20) 7367 1600535 MISSION STREET, 24TH FLOOR
SAN FRANCISCO, CA 94105
TELEPHONE (628) 432-5100FUKOKU SEIMEI BUILDING
2-2 UCHISAIWAUCHO 2-CHOME
CHIYODA-KU, TOKYO 100-0011, JAPAN
TELEPHONE (81-3) 3597-8101TORONTO-DOMINION CENTRE
77 KING STREET WEST, SUITE 3100
P.O. BOX 226
TORONTO, ONTARIO M5K 1J3
TELEPHONE (416) 504-05202001 K STREET, NW
WASHINGTON, DC 20006-1047
TELEPHONE (202) 223-7300500 DELAWARE AVENUE, SUITE 200
POST OFFICE BOX 32
WILMINGTON, DE 19899-0032
TELEPHONE (302) 655-4410MATTHEW W. ABBOTT
EDWARD T. ACKERMAN
JACOB A. ADLERSTEIN
JUSTIN ANDERSON
ALLAN J. ARFFA
JONATHAN H. ASHTOR
SCOTT A. ATKINS
PAUL M. BASTA
LYNN B. BAYARD
JOSEPH J. BIAL
BRUCE BIRENBOIM
H. CHRISTOPHER BOEHNING
BRIAN BOYD
ANGELA BONVINO
ANDRE G. BOUCHARD*
GERALD BRANT
ROBERT A. BRITTON
WALTER F. BROWN*
SUSANNA M. BUERGEL
JESSICA S. CACEY
JOHN CARMILLO
DAVID CARMONA
GEOFFREY R. CHEPIGA
ELLEN N. CHING
WILLIAM A. CLAREMAN
LEWIS R. CLAYTON
YANNICK E. CLEARY
REBECCA S. COCCARO
JAY COHEN
KELLEY A. CORNISH
CHRISTOPHER J. CUMMINGS
THOMAS V. DE LA BASTIDE III
MEREDITH L. DEARBORN*
ALICE L. DECIBAUM
KAREN L. DUNN
ALICE BELISLE EATON
ANDREW J. EHRLICH
ROSS A. FIELDSTON
ANDREW J. FINCH
BRAD J. FINNSTEIN
BRIAN P. FINNEGAN
ROBERTO FINZI
PETER E. FISCH
HARRIS FISCHMAN
VICTORIA S. FORRESTER
HAROLD B. FREY
MANUEL B. FREY
KENNETH A. GALLO
MICHAEL E. GERTZMAN
ADAM M. GIVERTZ
SALVATORE GOGLIORMELLA
NEIL GOLDMAN
MAURICE B. GOLDSTEIN
ROBERTO J. GONZALEZ*
CATHERINE L. GOODALL
CHARLES H. GOODE, JR.
ANDREW G. GORDON
BRIAN S. GRIEVE
UDI GROFMAN
BRIAN S. GUTENPLAN
MELINDA L. HAAG*
ALAN S. HALPERIN
CLAUDIA HAMMERMAN
IAN M. HAZLETT
BRIAN S. HERMANN
JOSHUA HILL, JR.
MICHAEL S. HIRSHMAN
JARRETT P. HOFFMAN
ROBERT HOLO
CHRISTOPHER HOPKINS
DAVID S. HUNTINGTON
AMRAN HUSSEIN
LUCILLE J. IANNUITI
WILLIAM A. ISAACSON*
JAREN JANGHORBANI
BRIAN M. JANSON
JEH C. JOHNSON
MATTHEW B. JORDAN
BRAD S. KARP
PATRICK M. KARNSITZ
JOHN P. KENNEDY
ROBERT A. KILLIP
BRIAN KIM
KYLE J. KIMPLER
JEFFREY L. KOCHIAN
ALEXIA D. KORBERG
ALAN W. KORNBERG
DANIEL J. KRAMER
BRIAN KRAUSECATH KUSHNER
KAISA KUUSK
DAVID K. LAKHDHIR
GREGORY F. LAUER
BRIAN C. LAVIN
XIAOYU GREG LIU
RANDI LUSKEY*
LORETTA M. LYNCH
JEFFREY D. MARELL
MARCO V. MASOTTI
DAVID W. MAYO
ELIZABETH R. MCCOLM
JEAN M. MCLOUGHLIN
ALVARO M. MEDERA
MARK A. MENELSON
CLAUDETTE MEREDITH-GOUJON
WILLIAM B. MICHAEL
JUDIE NG SHORTELL*
CATHERINE NYARADY
JANE B. O'BRIEN
BRAD R. O'KUN
SUNG PAK
CRYSTAL L. PARKER
LINDSAY B. PARKS
ANDREW M. PARLEN
DANIELLE C. PENHAL
CHARLES J. PESANT
JENNIFER E. PHILLIPS*
AUSTIN S. POLLITT
VALERIE E. RADWANER
JEFFREY J. RECHER
CARL L. REISNER
LORIN L. REISNER
JEANNE S. REIFF
WALTER R. RICORDI
RICHARD A. ROSEN
ANDREW N. ROSENBERG
JUSTIN ROSENBERG
JACQUELINE P. RUBIN
RAPHAEL M. RUSSO
ELIZABETH A. SCHKESTEDER
JEREMY A. SAMUELS
PAUL J. SANDLER
AARON J. SCHLAPHOFF
KENNETH M. SCHNEIDER
ROBERT B. SCHUMER
JOHN M. SCOTT
BRIAN SCRIVANI
KYLIE T. SELFRID
KANNON K. SHANMUGAM*
SUHAN SHIM
CULLEN L. SINCLAIR
AUDRA J. SOLOWAY
SCOTT M. SONTAG
JOSEPH A. SOVEN*
MEGAN SPALDING
ROBERT Y. SPERLING
EYTAYO ST. MATTHEW-DANIEL
SARAH STASNÝ
AIDAN SYNNOTT
BRETT TANNENBAUM
RICHARD TARLOWE
DAVID TARR
MONICA K. THURMOND
DANIEL J. TOAL
LAURA C. TURANO
CONRAD VAN LOGGERENBERG
KRISHNA VERRAGRAHAVAN
JEREMY VELASCO
LIZA M. VELAZQUEZ
MICHAEL VOGEL
RAMY J. WAHBEH
JOHN WEBER
LAWRENCE G. WEE
THOMAS V. WELLS, JR.
SAMUEL L. WELLS
LINDSEY L. WIERSMA
STEVEN J. WILLIAMS
LAWRENCE I. WITDORFIC
MARK B. WLAZLO
ADAM WOLLSTEIN
JULIA MARVER MASON WOOD
STACI YOUNG-WOOD
JORDAN E. YARETT
BOSCO YIU*
KAYE N. YOSHINO
TONG YU
TRACEY A. ZACCONE
TANIE M. ZETTER
KENNETH S. ZIMAN
T. ROBERT ZOCHOWSKI, JR.

*NOT ADMITTED TO THE NEW YORK BAR

December 14, 2022

By ECF

The Honorable Christian F. Hummel
 James T. Foley U.S. Courthouse
 445 Broadway
 Albany, NY 12207

Re: *Holland v. Broome County, et al., 9:22-CV-297 (DNH/CFH) (N.D.N.Y.)*

Dear Judge Hummel:

On behalf of Plaintiff Makayla Holland, we respectfully submit this reply to the County Defendants' response (Dkt. No. 69) to our request for a conference with Your Honor, or, alternatively, leave to file a motion to compel (Dkt. No. 67 (the "December 7 Letter").¹

To date, we have yet to receive a *single* verified response from *any* County Defendant to *any* of Plaintiff's Interrogatories. Those Interrogatories seek information at the core of Ms. Holland's case, including the identity of persons with knowledge of the various abuses she suffered while in BCJ custody. Responses to the Interrogatories are, therefore, essential to the efficient conduct of discovery in this action. Although the

¹ Capitalized terms have the meaning given in our December 7 Letter.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
Hon. Christian F. Hummel

Federal Rules clearly require that such responses be served within 30 days, we have been waiting for over *five months* to receive verified responses to Interrogatories that Ms. Holland served on the Original County Defendants on July 1 and over *two months* to receive any response to the remaining Interrogatories, which she served on October 12.

In their letter to the Court, the County Defendants do not dispute their obligations under the rules or deny that they have failed to meet those obligations. Rather, they appear to suggest that they have engaged in an enormous amount of document discovery, which they vastly overstate,² that their attorneys are overwhelmed,³ and that discovery in this action, therefore, should be stayed.

We have been flexible and accommodating with discovery deadlines, including with respect to interrogatory responses, document production, and the scheduling of depositions. It is, however, entirely inappropriate and prejudicial to deny or further delay Ms. Holland's access to sworn responses containing information to which she is clearly entitled and which should not be so difficult to obtain. The County Defendants should therefore be required to provide sworn responses forthwith.⁴

For the foregoing reasons and those contained in our December 7 Letter, Plaintiff requests a discovery conference with Your Honor, or, alternatively, leave to move to compel the County Defendants to serve verified responses to the Interrogatories.

Respectfully submitted,

/s/ Jeremy A. Benjamin

Jeremy A. Benjamin

cc: All counsel of record (by ECF)

² The County Defendants have produced approximately 250 documents to date.

³ Ms. Church refers to personal circumstances that have hampered her ability to attend to discovery in this case. Although we are not aware of the facts of those circumstances we, of course, are sympathetic to Ms. Church. However, over two weeks ago, in order to protect our client's interests, we requested a date certain by which the County Defendants would respond to Ms. Holland's Interrogatories. (Dkt. No. 67-8.) The County Defendants never responded and have yet to commit to a date by which they will provide the requested information.

⁴ Ms. Holland additionally reserves her rights to reopen depositions where appropriate to probe information contained in the County Defendants' long overdue responses.